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Case 4:16-cv-00730 Document 54-1 Filed in TXSD on 04/06/18 Page United States District Court Southern District of Texas

ENTERED

June 27, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS **HOUSTON DIVISION**

| JAME | JUSTIN NOVICK, CHRIS KEHN, JAMES ABRAHAM, ZAHID ISLAM, and CHARLES BETHAS, | | <i>-</i> | |
|-------------|--|---------------------|---------------------------------------|--|
| | Plaintiffs, | | § 8 | CIVIL ACTION NO. 4:16-CV- |
| vs. | | | \$ § | 00730 |
| SHIPO | COM WIRELE | ESS, INC., | § § | |
| | Defendant. | | & & & & & & & & & & & & & & & & & & & | |
| | | | ORDER | |
| | Before the Co | ourt is Defendant S | Shipcom W | ireless, Inc.'s Motion in Limine. Having |
| conside | ered the Motio | on and Plaintiffs' | response, | and with respect to the correspondingly |
| numbe | red subjects set | forth in the Motion | in Limine, | the Court ORDERS as follows: |
| 1. | WITNESSES UNTIMELY IDENTIFIED BY PLAINTIFFS' DISCLOSURES | | | |
| | GRANTED | | | |
| | DENIED | | | |
| | MODIFIED | | | |
| | | | | |
| 2. | EVIDENCE REGARDING THE RECLASSIFICATION OF PLAINTIFFS' OR THEIR POSITIONS FROM "EXEMPT" TO "NON-EXEMPT," AND ANY OTHER CHANGES TO SHIPCOM'S BUSINESS OR PAY PRACTICES FOR PURPOSES OF ESTABLISHING LIABILITY | | | |
| | GRANTED | | | |
| | DENIED | | | |
| | MODIFIED | | | |

| 3. | ALLEGATIONS THAT PLAINTIFFS WORKED MORE HOURS THAN RECORDED IN SHIPCOM'S ELECTRONIC TIMEKEEPING SYSTEMS |
|----|--|
| | GRANTED |
| | DENIED |
| | MODIFIED |
| 4. | ALLEGATIONS THAT PLAINTIFFS JUSTIN NOVICK, CHRIS KEHN, OR CHARLES BETHAS WERE NOT PAID ON A SALARY BASIS ABOVE \$455.00 PER WEEK |
| | GRANTED |
| | DENIED |
| | MODIFIED |
| 5. | ALLEGATIONS OF FLSA VIOLATIONS AGAINST OTHER EMPLOYEES, NOT PARTY TO THIS LAWSUIT |
| | GRANTED |
| | DENIED |
| | MODIFIED |
| 6. | ALLEGATIONS THAT SHIPCOM "WILLFULLY" VIOLATED THE FLSA |
| | GRANTED |
| | DENIED |
| | MODIFIED |

| 7. | EVIDENCE OF POSSIBLE MONETARY DAMAGES, COSTS, EXPENSES, OR ATTORNEY'S FEES WHICH PLAINTIFFS MAY SEEK TO RECOVER | | | | |
|-----|---|------------|---------------------------------|--|--|
| | GRANTED | V | _ | | |
| | DENIED | | _ | | |
| | MODIFIED | | | | |
| 8. | SETTLEMEN | T/MEDIATI | ON DISCUSSIONS | | |
| | GRANTED | <u></u> | | | |
| | DENIED | | | | |
| | MODIFIED | | | | |
| 9. | REFERENCE | S TO DISPO | SITIVE MOTIONS | | |
| | GRANTED | V | _ | | |
| | DENIED | | _ | | |
| | MODIFIED _ | | | | |
| 10. | EVIDENCE O | R TESTIMO | NY REGARDING INSURANCE COVERAGE | | |
| | GRANTED | | | | |
| | DENIED | | _ | | |
| | MODIFIED | | | | |
| 11. | "BIG COMPANY" REFERENCES | | | | |
| | GRANTED | \sim | _ | | |
| | DENIED | | _ | | |
| | MODIFIED | | | | |

| 12. | EVIDENCE O | TESTIMONY REGARDING SHIPCOM'S NET WORTH |
|-----|-------------|---|
| | GRANTED | |
| | DENIED | |
| | MODIFIED | |
| 13. | EVIDENCE, T | ESTIMONY, OR REFERENCES TO EXPERIENCE OF COUNSEL |
| | GRANTED | |
| | DENIED | |
| | MODIFIED | |
| 14. | | ESTIMONY, OR REFERENCES TO THE SIZE OF THE LAW ENTING SHIPCOM |
| | GRANTED | |
| | DENIED | |
| | MODIFIED | |
| 15. | | ESTIMONY, OR COMMENTS REGARDING THIS AND ANY ON IN LIMINE |
| | DENIED | |
| | MODIFIED | |
| | Ce! | CRISTINA BRYAN UNITED STATES MAGISTRATE JUDGE |